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C.O. 47 of 2020

Ct. 9.

Anindita Pan vs. Jaydip Pan & Anr.

Mr. Amitabha Ghosh
..For the petitioner.

Let affidavit of service filed be kept with the record which shows that service has been effected on the opposite party husband.

The Matrimonial Suit No. 192 of 2019 now pending before the learned Principal Judge, Family Court, Calcutta has been sought to be transferred to a competent court at Seerampore, Hooghly.

Despite service upon the husband opposite party, none has entered appearance. The application under section 24 CPC is taken up for hearing.

The petitioner submits that she is now compelled to stay in her parental home due to physical and mental torture meted out to her by opposite party husband and the petitioner filed a case under Domestic Violence Act 2005 being Misc. Case No. 423 of 2019 pending in the learned Judicial Magistrate, 5th Court, Serampore, Hooghly.

Having considered the gravity of the situation the learned magistrate was pleased to pass an exparte ad-interim order dated 30.11.2019 in terms of Section 23(2) of the Act of 2005 directing the husband opposite party no. 1 to pay a sum of Rs. 2,000/- p.m. as an interim measure but

husband opposite party though being the Head T.T. of the Eastern Railways under Sealdah Division has deliberately neglected to maintain the petitioner and her minor son who is a student of K.G. I in Agrasain Boys' at Liluah, Howrah. To harass the petitioner, the husband opposite party had filed a Matrimonial Suit aforesaid before the learned Principal Judge of Family Court at Calcutta in which the petitioner was summoned to appear on January 28, 2020.

It is pointed out that the petitioner's minor son pursuing his schooling in the said school at Liluah and that the residence of both the parties is situated within the jurisdiction of Serampore Court.

Admittedly, the opposite party husband has a flat no. C-4/19, Konnagar Abasan Co-operative Society Limited, 134/3 C.S. Mukherjee Street, Post Office-Konnagar, P.S.-Uttarpara, District Hooghly, which is near to the Serampore Court, whereas the wife being the petitioner has no accommodation in or around Kolkata. So it will be convenient to both the parties to the suit, if the matrimonial suit is transferred to any other competent court at Serampore, Hooghly.

Having heard the learned advocate for the petitioner and bearing in mind the convenience of the parties to attend the court, Matrimonial Suit No. 192 of 2019 now pending before the learned Principal Judge, Family Court, Calcutta be withdrawn and transferred to the file of learned Additional District Judge, Serampore, Hooghly.

Let a copy of this order be communicated to both the courts for information and necessary action.

Thus revisional application being C.O. 47 of 2020 is disposed of without any order as to costs.

(Shivakant Prasad, J.)